

Remarks

The Examiner's reconsideration of the application is requested in view of the amendments above, attachments hereto and comments which follow.

Taking the matters raised by the Examiner in turn, the drawing issue was addressed in the paper sent to the Patent and Trademark Office on October 24, 2001, and although the Patent and Trademark Office receipt indicates that the paper was received on January 8, 2002, given mailing problems experienced, a copy of that paper is appended hereto, just in case it is needed.

Regarding numbered paragraph 3, appended hereto is a copy of figure 2 of the drawings, showing a proposed change in red. No new matter has been added, since the lifting means is disclosed and explained in the specification, both in the paragraph revised above, as well as the paragraph spanning pages 3 and 4 of the translation.

In numbered paragraph 4 spanning pages 2 and 3 of the Office Action, the Examiner refers to the arrangement of the specification, but it is unclear whether any amendments are required. Given the fact that the specification did not have any internal headings, appropriate headings have been added to the specification where indicated. If anything further is required, the Examiner's advice on that subject would be appreciated.

In numbered paragraph 5 on page 3 of the Office Action, claims 4 through 10 have been objected to because of improper multiple dependency. Also, in numbered paragraph

7 on page 4 of the Office Action, claim 2 was rejected under 35 U.S.C. § 112 as being indefinite. The claims have been rewritten in proper U.S. form above, and the matters raised by the Examiner have been considered when rewriting the claims. It is submitted that the claims are now in proper form, and meet the requirements of 35 U.S.C. § 112.

In numbered paragraph 9 on page 4 of the Office Action, the Examiner has rejected claims 1 through 3 under 35 U.S.C. § 102 as being anticipated by Wine U.S. Patent number 2,447, 606. In numbered paragraph 10 on page 5 of the Office Action, claims 1 and 3 have been rejected by the Examiner under 35 U.S.C. § 102 as being anticipated by Hainzigianis U.S. Patent number 1,566,860. Reconsideration of both rejections is requested.

Wine discloses a chest which has a vertical mast to which supports are fixed, but the means for moving the mast is not part of the chest. Instead, as clear from Wine, the lifting means is used for four different chests, and that lifting means is consequently located outside of the chests. None of the chests disclosed in Wine is provided with lifting means, and therefore the chests are not independent, as is the case with the present invention.

Furthermore, the supports of wine cannot be rotated about the mast because the supports are secured to the mast. That is clear from column 3, lines 8 - 13 of Wine, where the shelves are described as being apertured to fit around the tubular member 19. Thus, they cannot rotate. In distinction, in the present invention, at least one of the supports is provided with a circular orifice as illustrated, thus allowing it to pivot about the mast. This allows different supports to be offset in such a way that a lower support can, in appropriate

circumstances, avoid being masked by the support overlying it. If the supports of Wine are rotatable at all, that rotation is not about an axis which coincides with the mast, but rather would be with respect to the upright member 27 which is located outside of the chest. Wine discloses two different poles or supports, that on which the shelves 20 are secured and about which no rotation occurs, and the second upright member 27 which is provided for raising and rotating the first. The present invention includes a single, simple mast as described.

Turning next to Hainzigianis, this reference teaches a toothbrush holder which has a vertical mast. It discloses, however, but a single support (the disc 25) which is rotatably mounted on the mast. Hooks 26 cannot be considered as equivalent to the supports of the present invention because the hooks 26 are riveted to the disc and not to the mast. See page 1, lines 105-110 in this regard. In the present invention, there are several supports one above the other, since the supports are fixed on the mast. Nothing of this nature is shown, described or suggested by Hainzigianis because obviously Hainzigianis must include merely a single support since elongated toothbrushes hang from it within the container.

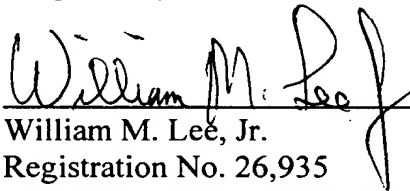
Independent claim 11, which replaces claim 1, is submitted to be allowable over the references, whether considered alone or in combination of their teachings. Claim 11 requires that the lifting means be in the chest for moving the mast in the vertical direction, and further requires that at least some of the supports rotate about the axis of the mast. Given claim 11 as cast, and given the further discussion above, it is submitted that claim 11 is allowable in its present form in lieu of more pertinent prior art. The remaining claims depend from claim 11, and are submitted to be allowable, as well.

The Examiner's further and favorable reconsideration of the application is therefore urged.

As this response is being submitted during the sixth month following the Examiner's Office Action, an appropriate petition for a three month extension of time is also submitted herewith.

April 9, 2002

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

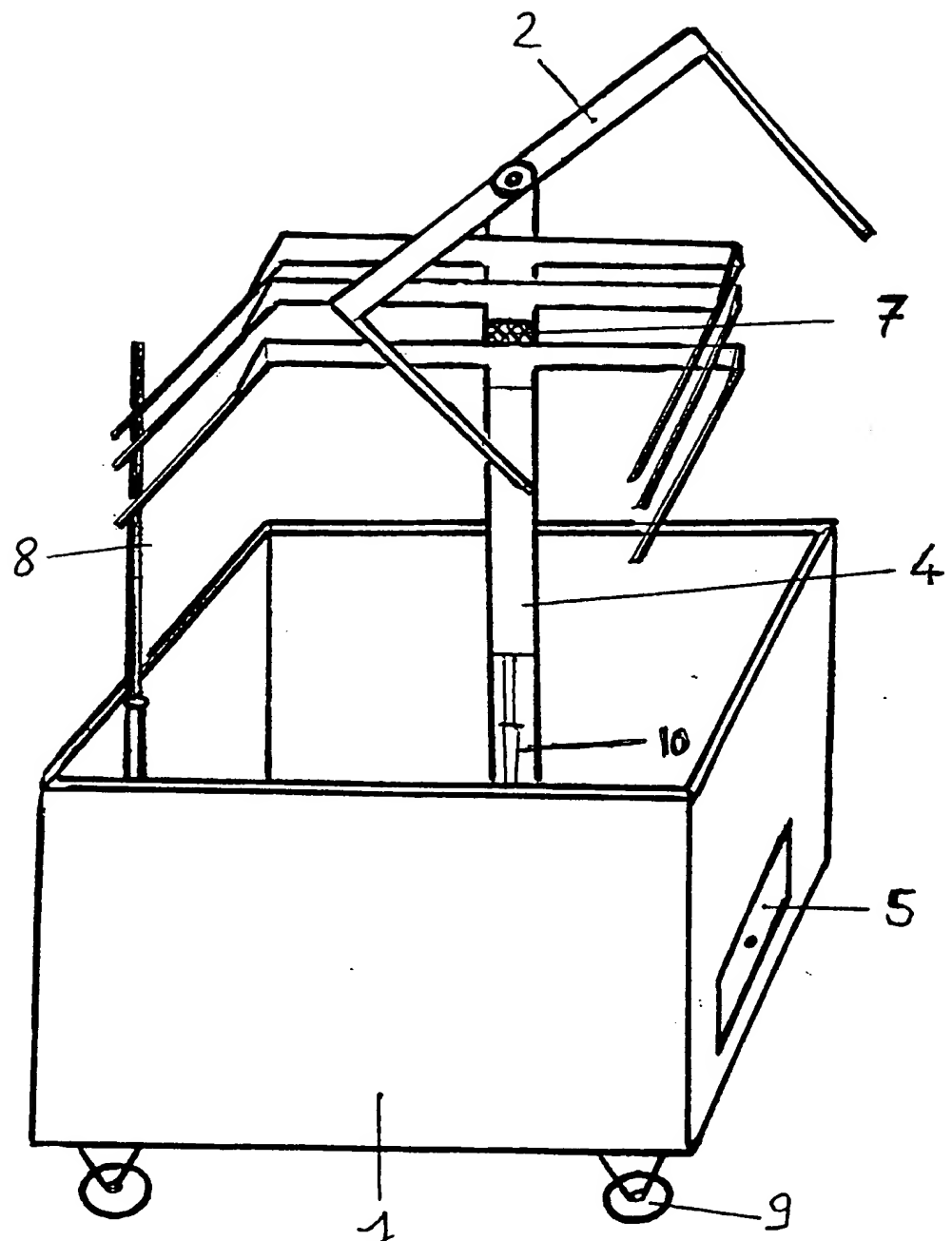
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Version With Markings To Show Changes Made

Page 3, lines 15 - 21:

In Figure 2, the chest 1 is shown in its in-service position, without its lid. The mast 4 slides on a guide column(not shown) and is shown here in its high position. Lifting means [(not shown either)] 10 serve to move the mast along its axis from its low position in abutment against the bottom of the chest, to its high position where the supports are clear of the chest 1.

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Not Appraised
for 7/3/02

FIG. 2